

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13860 of 2004

Between:

B.Raghavendra Shetty, S/o B.Kistaiah Shetty,
R/o Kumbalanur Camp, Nandi Chagi Post, Kowthalam Mandal,
Kurnool District

..... PETITIONER

AND

- 1 The Secretary, Regional Transport Authority, Kurnool District. Kurnool
- 2 The Motor Vehicle Inspector, Kurnool, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly writ of Mandamus declaring the action of the respondents in seizing the Maxi Cab-LMV bearing No.AP 21 V 5755 under check report No.0320163, dated 12-2-2004, pending enquiry without following the due process of law as arbitrary, illegal and direct the respondents to release the Maxi Cab - LMV bearing No.AP 21 V 5755 seized under check report No.0320163, dated 12-2-2004, pending enquiry in the interest of justice

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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ORDER:

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Petitioner is the owner of a Maxi Cab-LMV bearing No.AP 21 V-5755. While the vehicle was proceeding, the second respondent conducted a check, issued check report No. 0320163 dated 12.02.2004 and seized the vehicle, pending enquiry. The seizure of the vehicle was effected on the ground that R.C, F.C, IC, PUCC, P2 for quarter ending 31.03.2004 were not produced.

The petitioner produced some documents viz., Certificate of Registration, Pollution Control Certificate and the Insurance Certificate before this Court. The petitioner stated that the said documents could not be produced before the second respondent at the time of the check and subsequently, they were produced before the first respondent. The second respondent did not look into the documents and release the vehicle pending enquiry.

Under these circumstances, the petitioner is directed to produce the said documents and other documents, if any, relating to the vehicle before the first respondent, who shall verify the documents and on condition of payment of the tax for the quarter ending 31.03.2004 shall release the vehicle for the interim custody of the petitioner pending enquiry into the matter. The petitioner shall not transfer or sell the vehicle to others and shall not change the parts of the vehicle during pendency of the enquiry before the first respondent.

Writ petition is accordingly disposed of. No order as to costs.

G.YETHIRAJULU

16-08-2004

KLP

To

- 1 The Secretary, Regional Transport Authority, Kurnool District. Kurnool
- 2 The Motor Vehicle Inspector, Kurnool, Kurnool District
- 3 2CCs to G.P. for Transport, High Court buildings, Hyderabad.
- 4 2CD copies